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FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jennie Nieves,) CASE NO. 1:00 CV 2468
Plaintiff,)
v.)
City of Cleveland, *et al.*,) JUDGE DONALD C. NUGENT
Defendants.) ORDER

This matter is before the Court on the Motion of Defendant Martin Fano for Sanctions pursuant to Fed. R. Civ. P. 11. (ECF #48) On September 21, 2001, this Court granted the motions of all defendants, including Martin Fano, for summary judgment and entered judgment in favor of defendants on Plaintiff's Complaint. At the time of those rulings, Mr. Fano's Motion for Sanctions was pending. Plaintiff had not yet filed any opposition to the motion. Accordingly, the Court issued a Show Cause Order directing Plaintiff and her attorney, Mr. Watson, to respond to Mr. Fano's motion and show cause why it should not be granted. Plaintiff and Mr. Watson were specifically directed to file a responsive memoranda supported with evidence substantiating the claims asserted against Mr. Fano.

On October 22, 2001, Plaintiff filed a three page document entitled "Plaintiff's Motion in Opposition to Defendant's Motion for Sanctions." (ECF #69) Plaintiff's response offers no support in law or fact for her maintenance of a §1983 claim against a private individual. Plaintiff

merely asserts that her position and that of Mr. Fano directly conflict factually. Plaintiff submits that awarding sanctions against the Plaintiff will "have a chilling effect on other parties who likewise have legitimate claims." The Court hopes that this is so. While Plaintiff clearly feels that she was wronged by Mr. Fano, her complaint against him was without basis in law or fact and was properly dismissed on summary judgment. As neither Plaintiff nor Mr. Watson has produced any relevant argument, law or evidence to oppose Mr. Fano's Motion for Sanctions, that motion (ECF #48) is hereby GRANTED.

IT IS SO ORDERED.

Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: October 24, 2001